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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/169,021 10/08/98 SIMINOVITCH

M IB-1064

MM91/0315

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EXAMINER

RODRIGUEZ, A

ART UNIT

PAPER NUMBER

2877

DATE MAILED:

03/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/169,021

Applicant(s)

SIMINOVITCH, MICHAEL J.

Examiner

Armando Rodriguez

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 11 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

It does not state whether the inventor is a sole or joint inventor of the invention claimed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 recites the limitation "optical channel" in line 9 page 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "optical channel" in lines 7 and 8 page 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "source optical channel" in line 9 page 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "source optical channel" in line 11 page 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "source optical channel" in line 13 page 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "source optical chamber" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "source coupling illumination system" in line 19 page 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,3,5,6,12,13,14,15,16,17,18,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dassanayake (PN 5,452,186) in view of applicant's prior art in figure 1 and Davenport et al (PN 4,958,263).

Figure 1 of the applicant's admitted prior art illustrates an optical channel (18) which allows light to be internally reflected, applicant's source channel claims 1 and 12.

Dassanayake in figure 1 illustrates:

1. A housing (10) with a chamber (12), applicant's source optical channel and cavity, applicant's claim 1,
2. A light bulb (24) in chamber (12), applicant's light source inside cavity, applicant's claim 1,
3. Light pipes (28) connected to chamber (12), applicant's claims 13 and 14.

In column 2 lines 4-8 Dassanayake discloses housing (10), applicant's source channel, to be made of thermoplastic, applicant's claim 2 and 6.

In the abstract Davenport et al teaches the use of an HID metal halide light source used as a centralized light source for illumination with quartz light guides merged into its outer surface, applicant's claims 3 and 5.

Figure 1 of Davenport et al illustrates five arms extending from its cavity for illumination; applicant's claims 15, 16, 17 and 19.

In column 6 lines 3-8 Davenport discloses the use of a plurality of fiber optics arranged into a bundle, applicant's claims 18 and 20

Dassanayake and Davenport et al are analogous art because they are from the same field of endeavor, the illumination art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the structure of Dassanayake with applicant's prior art and the teachings of Davenport et al, because by simple rearrangement of parts it would allow to deduce and construct the claimed source coupling system.

Claims 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dassanayake (PN 5,452,186) in view of applicant's prior art in figure 1 and Davenport et al (PN 4,958,263) as applied to **claims 1 and 3** above, and further in view of El-Hamamsy et al (5,187,412).

In column 2 lines 20-34 El-Hamamsy discloses the use of an electrodeless HID lamp with a coil and ballast.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of El-Hamamsy with the prior

arts applied to claims 1 and 3 because it would allow for the control of the current, as it is well known for the ballast to perform, and in turn will control the temperature.

Allowable Subject Matter

Claims 7,8, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Armando Rodriguez whose telephone number is (703) 308-6218. The examiner can normally be reached on 10-hour day / M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Armando Rodriguez
Examiner
Art Unit 2877 *AR*

Frank G. Font
Frank G Font
Supervisor
Art Unit 2877

March 8, 2000